



United States of America
National Labor Relations Board
NOTICE OF ELECTION



PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. (See VOTING UNIT in this Notice of Election for description of eligible employees.) A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by secret ballot carried out through the U.S. mail under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are not eligible to vote.

CHALLENGE OF VOTERS: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

METHOD AND DATE OF ELECTION

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 5:00 p.m. on Tuesday, April 6, 2021, ballots will be mailed to voters from the National Labor Relations Board, Subregion 34, 450 Main St Ste 410, Hartford, CT 06103-3078. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Tuesday, April 20, 2021, should communicate immediately with the National Labor Relations Board by either calling the Subregion 34 Office at (860)240-3522 or our national toll-free line at 1-844- 762-NLRB (1-844- 762-6572).

In order to be valid and counted, the returned ballots must be received in the Subregion 34 Office at the A.A. Ribicoff Federal Building, 450 Main Street, Suite 410, Hartford, Connecticut 06103, by Tuesday, April 27, 2021.

All ballots will be commingled and counted virtually by videoconference at 1:00 pm eastern time on Wednesday, April 28, 2021. In order to be valid and counted, the returned ballots must be received in the Subregion 34 Office prior to the counting of the ballots.



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VOTING UNIT A

PROFESSIONAL UNIT: VOTING GROUP A Included: All full-time and regular part-time professional employees employed by the Employer during the payroll period ending March 21, 2021, at its 1040 Mass MoCA Way, North Adams, Massachusetts facility, including Graphic Designers, Helpdesk & Assistant to the Director of Information Technology, Art and Museum Educators, Associate Director of Education, Senior Preparator/Fabricators, Preparator/Fabricators + Workshop Managers, Preparator/Fabricators, Senior Curators, Curators, Finance Coordinators, Special Projects Managers.

PROFESSIONAL UNIT: VOTING GROUP A Excluded: All non-professional employees, the Interim Director, Director of Finance, Building and Grounds Manager, Custodial Supervisor, Director of Communications, Director of Development, Director of Exhibitions/Senior Curator Director of Education and Curator of Kidspace, Director of Human Resources, Human Resources Manager, Director of Information Technology, Director of Fabrication and Art Installation, Managing Director of Performing Arts, Production Manager, General Manager -Performing Arts, Director of Retail Operations, and managerial employees, confidential employees, and guards and supervisors as defined in the Act.

Others permitted to vote: The parties have agreed Building and Grounds Engineers may vote in Voting Group A but their ballots will be challenged since their eligibility has not been resolved. No decision has been made regarding whether the individuals in these classifications or groups are included in, or excluded from, the bargaining unit. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

VOTING UNIT B

NON-PROFESSIONAL UNIT: VOTING GROUP B Included: All full-time and regular part-time non-professional employees employed by the Employer during the payroll period ending March 21, 2021, at its 1040 Mass MoCA Way, North Adams, Massachusetts facility, including Finance Assistants, Executive Assistants to the Director, Program Assistants-Assets for Artists, Fundraising and Marketing Managers, Maintenance employees, Buildings and Grounds Foreman, Landscapers, Mason Tenders, Custodians, Tenant Operations and Event Coordinators, Development Operations Managers, Managers of Institutional Giving, Development Administrative Associates, Artist Services and Intern Program Directors, Gallery Teachers, Human Resources Assistants, Senior Marketers, Digital Services Coordinators, Marketing Associates, Communications Managers, House Sound Engineers, House Electricians, Project Coordinators, Audio Technicians, Associate Retail Managers, Sales Associates, Assistant Registrars and VA Coordinators, VA Senior Registrars and Exhibition Managers, Museum Attendants, Box Office Associates, Visitor Services Coordinators and Performing Arts Fellows.

NON-PROFESSIONAL UNIT: VOTING GROUP B Excluded: All professional employees, the Interim Director, Director of Finance, Building and Grounds Manager, Custodial Supervisor, Director of Communications, Director of Development, Director of Exhibitions/Senior Coordinator, Director of Education and Curator of Kidspace, Director of Human Resources, Human Resources Manager, Director of Information Technology, Director of Fabrication and Art Installation, Managing Director of Performing Arts, Production Manager, General Manager-Performing Arts, Director of Retail Operations, managerial employees, confidential employees, supervisors, and guards as defined in the Act.

Others permitted to vote: The parties have agreed Box Office Managers may vote in Voting Group B but their ballots will be challenged since their eligibility has not been resolved. No decision has been made regarding whether the individuals in these classifications or groups are included in, or excluded from, the bargaining unit. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

OR

In the event the majority of the voting Professionals (Voting Group A) vote to be included in a unit with nonprofessional employees (Voting Group B), the following combined unit is appropriate.

COMBINED UNIT

Included: All full-time and regular part-time professional and nonprofessional employees employed by the Employer at its 1040 Mass MoCA Way, North Adams, MA facility, including Graphic Designers, Helpdesk & Assistant to the Director of Information Technology, Art and Museum Educators, Associate Directors of Education, Senior Preparator/Fabricators, Preparator/Fabricators + Workshop Managers, Preparator/Fabricators, Senior Curators, Curators, Finance Coordinators, Special Projects Managers, Finance Assistants, Executive Assistant to the Director, Program Assistants-Assets for Artists, Fundraising and Marketing Manager, Maintenance employees, Buildings and Grounds Foreman, Landscapers, Mason Tenders, Custodians, Tenant Operations and Event Coordinators, Development Operations Managers, Managers of Institutional Giving, Development Administrative Associates, Artist Services and Intern Program Directors, Gallery Teachers, Human Resources Assistants, Senior Marketers, Digital Services Coordinators, Marketing Associates, Communications Managers, House Sound Engineers, House Electricians, Project Coordinators, Audio Technicians, Associate Retail Managers, Sales Associates, Assistant Registrar and VA Coordinators, VA Senior Registrar and Exhibition Managers, Museum Attendants, Box Office Associates, Visitor Services Coordinators and Performing Arts Fellows.



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Excluded: The Interim Director, Director of Finance, Building and Grounds Manager, Custodial Supervisor, Director of Communications, Director of Development, Director of Exhibitions/Senior Curator Director of Education and Curator of Kidspace, Director of Human Resources, Human Resources Manager, Director of Information Technology, Director of Fabrication and Art Installation, Managing Director of Performing Arts, Production Manager, General Manager-Performing Arts, Director of Retail Operations, managerial employees, confidential employees, guards and supervisors as defined in the Act.

Ballot for Voting Group - Unit A

UNITED STATES OF AMERICA
National Labor Relations Board
01-RC-273750
OFFICIAL SECRET BALLOT
For certain employees of
MASSACHUSETTS MUSEUM OF CONTEMPORARY ART

Do you wish to be included with nonprofessional employees in a unit for the purposes of collective bargaining?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

☐

NO

☐

Do you wish to be represented for purposes of collective bargaining by
TECHNICAL, OFFICE AND PROFESSIONAL UNION LOCAL 2110, UAW?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

☐

NO

☐

DO NOT SIGN THIS BALLOT. See enclosed instructions.

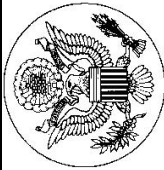
The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.



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Ballot for Voting Group - Unit B



UNITED STATES OF AMERICA
National Labor Relations Board

01-RC-273750

OFFICIAL SECRET BALLOT

For certain employees of

MASSACHUSETTS MUSEUM OF CONTEMPORARY ART



Do you wish to be represented for purposes of collective bargaining by
TECHNICAL, OFFICE AND PROFESSIONAL UNION LOCAL 2110, UAW?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

☐

NO

☐

DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you make markings inside, or anywhere around, more than one square, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.



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RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time where attendance is mandatory, within the 24-hour period before the mail ballots are dispatched
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (860)240-3522 or visit the NLRB website www.nlrb.gov for assistance.